

## SECTION 7 USE DISTRICTS\*

---

\*Cross references: Businesses, Ch. 18.

---

### **7.1. SD suburban district.**

- A. Purpose. This district consists generally of areas containing rural land uses or undeveloped acreage which is not anticipated to be put to an urban use in the near future. The regulations of an SD district are designed to allow the continuation of general rural land uses within the city with the intent that, as the area within an SD district becomes more susceptible to urban development, it can be reevaluated and classified as an appropriate urban district considering its characteristics and suitability for particular urban uses.
- B. Use regulations. In the SD suburban district no building or land shall be used and no buildings shall be hereafter erected, reconstructed, altered or enlarged, except for one or more of the following uses.
  - 1. Farms, ranches, orchards and similar agrarian activities, involving the growing of plants and raising and pasturing of livestock, excluding commercial feedlots, auction barns and commercial slaughterhouses.
  - 2. Single-family dwellings clearly incidental to the operation of the above-listed activities, including dwellings located on the farm or ranch used exclusively for the housing of employees living on the premises; provided that tracts in the SD suburban district which contain less than eight acres in separate ownership shall be limited to one dwelling.
  - 3. Principal dwellings and accessory buildings and structures clearly incidental to the above operations, including but not limited to barns, stables, equipment sheds, poultry houses, swine pens, granaries, pump houses, water tanks and silos; provided that dwellings and accessory buildings and structures on tracts in an SD suburban district shall cover no more than ten percent of the total tract acreage.
  - 4. Installations owned and operated by the City of Missouri City, Harris County, Fort Bend County, the State of Texas or public utility companies, which installations are necessary for the public safety, governmental services, or the furnishing of utility services to or through the SD suburban district.
  - 5. Home occupations as defined in section 4 hereof.
  - 6. Specific use as permitted by section 15 hereof.
- C. Height and area regulations.
  - 1. Height. No building or structure shall exceed 3 1/2 stories nor shall it exceed 45 feet; provided however, the board of adjustment may make special exceptions to this regulation where to do so will not be contrary to

public interest and will not result in substantial injury to surrounding property or the appropriate use thereof.

2. Front yard. There shall be a front yard of not less than 25 feet; where a lot faces a major thoroughfare there shall be a front yard of not less than 35 feet.
3. Rear yard. There shall be a rear yard of not less than 25 feet.
4. Side yard. There shall be a side yard of not less than ten feet; provided, however, there shall be a side yard of 15 feet where there is a side street adjacent to the lot, tract or parcel.

- D. Garage regulations. See Section 9.8 hereof.
- E. Trash disposal regulations. See section 9.14 hereof.
- F. Portable storage unit regulations. See section 9.15 hereof.
- G. Parking regulations. See section 12 hereof.
- H. Sign regulations. See section 13 hereof.
- I. Fence regulations. See section 14 hereof.

**7.1.a. R rural single-family residential district.**

- A. Purpose. This district accommodates large lot single-family residential developments that are served by public water supply and sewage disposal systems. Projects in such zones will typically be rural in character and well buffered from more intensely developed uses.
- B. Use regulations. In the R rural single-family residential district, no buildings or land shall be used and no building shall be hereafter erected, reconstructed, altered or enlarged, unless otherwise provided in this ordinance, except for one or more of the following uses:
  1. Single-family dwellings.
  2. Accessory building or use as permitted in section 9 hereof.
  3. Home occupations as defined in section 4 hereof.
  4. Specific use as permitted by section 15 hereof.
- C. Height and area regulations.
  1. Height. No building or structure shall exceed 3 1/2 stories or 45 feet.
  2. Front yard. There shall be a front yard of not less than 35 feet. Where a lot faces on the curve of a cul-de-sac street there shall be a front yard of not less than 20 feet.

3. Rear yard. There shall be a rear yard of not less than 25 feet. Detached garages shall have a rear yard setback of not less than eight feet.
  4. Side yard. There shall be a side yard of not less than ten feet for interior lots and not less than 15 feet for the street side of corner lots. Provided, however, the combined side yards between a building on the lot in question and a building on an adjacent lot shall be not less than 20 feet. Garages facing a side street must have a setback of not less than 30 feet. Where a corner lot has a major thoroughfare as a side street there shall be no less than a 30-foot side yard setback and no direct driveway access onto the major thoroughfare.
  5. Width of lot. The minimum width of a lot shall be 100 feet excepting where a lot of record and in separate ownership at the time of the passage of this ordinance has less width than herein required.
  6. Lot area. The minimum area of a lot shall be one acre excepting where a lot of record and in separate ownership at the time of the passage of this ordinance has less than herein required.
- D. Garage regulations. See section 9.8 hereof.
- E. Trash disposal regulations. See section 9.14 hereof.
- F. Portable storage unit regulations. See section 9.15 hereof.
- G. Parking regulations. See section 12 hereof.
- H. Sign regulations. See section 13 hereof.
- I. Fence regulations. See section 14 hereof.

(Ord. No. O-98-10, § 4, 3-2-1998; O-03-31; 09/15/03; Ord. No. O-08-39, §§7.1.D-I and 7.1.a.D-I, 07-21-2008).

## **7.2. R-1 single-family residential district.**

- A. Purpose. This district is intended for relatively large single-family residential lots which are served by public water supply and sewage disposal, in areas planned to be more urban in character. This district is the most restrictive and least dense of all residential districts other than R rural and consists mainly of areas containing large lot single-family dwellings and of open spaces designed or desirable for large lot single-family dwellings. It is intended that the initial R-1 districts will be subject only to minor alterations in the nature of minor areas of reclassification for a less restrictive residential use for reasonable adjustments necessary for orderly development of vacant lots or the gradual transition from other districts.
- B. Use regulations. In the R-1 single-family residential district, no buildings or land shall be used and no building shall be hereafter erected, reconstructed, altered or

enlarged, unless otherwise provided in this ordinance, except for one or more of the following uses:

1. Single-family dwellings.
2. Accessory building or use as permitted in section 9 hereof.
3. Home occupations as defined in section 4 hereof.
4. Specific use as permitted by section 15 hereof.

C. Height and area regulations.

1. Height. No building or structure shall exceed 2 1/2 stories or 35 feet.
2. Front yard. There shall be a front yard of not less than 25 feet; where the lot faces on a major thoroughfare there shall be a front yard of not less than 35 feet; where the lot faces on the curve of a cul-de-sac street there shall be a front yard of not less than 15 feet.
3. Rear yard. There shall be rear yard of not less than 25 feet. Detached garages shall have a rear yard setback of not less than eight feet.
4. Side yard. there shall be a side yard of not less than five feet for interior lots and not less than ten feet for the street side of corner lots. Provided, however, the combined side yards between a building on the lot in question and a building on an adjacent lot shall be not less than ten feet. Garages facing a side street must have a setback of not less than 20 feet. Where a corner lot has a major thoroughfare as a side street there shall be no less than a 20-foot side yard setback and no driveway access onto the major thoroughfare.
5. Width of lot. The minimum width of a lot shall be 65 feet excepting where a lot of record and in separate ownership at the time of the passage of this ordinance has less than herein required.
6. Lot area. The minimum area of a lot shall be 9,000 square feet excepting where a lot of record and in separate ownership at the time of the passage of this ordinance has less than herein required.

D. Garage regulations. See section 9.8 hereof.

E. Trash disposal regulations. See section 9.14 hereof.

F. Portable storage unit regulations. See section 9.15 hereof.

G. Parking regulations. See section 12 hereof.

H. Sign regulations. Sec section 13 hereof.

I. Fence regulations. See section 14 hereof.

(Ord. No. O-81-18, § 2, 8-17-1981; Ord. No. O-88-29, § 2, 8-15-1988; Ord. No. O-89-15, § 3, 6-19-1989; Ord. No. O-98-10, § 5, 3-2-1998; O-03-31; 09/15/03, Ord. No. O-08-39, §§ 7.2.D-I, 07-21-2008).

**7.2.a. R-1-A single-family residential district.**

- A. Purpose. This district is intended to be developed as average or standard single-family lots and to serve as a transition between larger and smaller lot single-family zoning districts.
- B. Use regulations. In the R-1-A single-family residential district, no buildings or land shall be used and no building shall be hereafter erected, reconstructed, altered or enlarged, unless otherwise provided in this ordinance, except for one or more of the following uses:
  - 1. Any use permitted in an R-1 single-family residential district.
  - 2. Specific use as permitted by section 15 hereof.
- C. Height and area regulations.
  - 1. Height. Same as provided in an R-1 district.
  - 2. Front yard. Same as provided in an R-1 district.
  - 3. Rear yard. Same as provided in an R-2 district.
  - 4. Side yard. Same as provided in an R-1 district.
  - 5. Width of lot. The minimum width of a lot shall be 60 feet excepting where a lot of record and in separate ownership at the time of the passage of this ordinance has less width than herein required.
  - 6. Lot area. The minimum area of a lot shall be 7,200 square feet excepting where a lot of record and in separate ownership at the time of the passage of this ordinance has less than herein required.
- D. Garage regulations. See section 9.8 hereof.
- E. Trash disposal regulations. See section 9.14 hereof.
- F. Portable storage unit regulations. See section 9.15 hereof.
- G. Parking regulations. See section 12 hereof.
- H. Sign regulations. See section 13 hereof.
- I. Fence regulations. Section 14 hereof.

(Ord. No. O-98-10, § 6, 3-2-1998; O-03-31; 09/15/03; Ord. No. O-08-39, §§ 7.2.a.D-I, 07-21-2008).

**7.3. R-2 single-family residential district.**

- A. Purpose. This district is provided for smaller single-family lots and a larger variety and mixture of single-family lot sizes. This district may also be used as a zone of transition from the more restrictive single-family district to lesser restrictive or more dense residential districts.
- B. Use regulations. In the R-2 single-family residential district, no building or land shall be used and no building shall hereafter be erected, reconstructed, altered or enlarged, unless otherwise provided in this ordinance, except for one or more of the following uses:
  - 1. Any use permitted in an R-1 single-family residential district.
  - 2. Specific use as permitted by section 15 hereof.
- C. Height and area regulations.
  - 1. Height. Same as provided in an R-1 district.
  - 2. Front yard. Same as provided in an R-1 district.
  - 3. Rear yard. There shall be a rear yard of not less than 15 feet, except in case of double frontage lots wherein a rear yard of at least 20 feet shall be required. Detached garages shall have a rear yard setback of not less than eight feet.
  - 4. Side yard. There shall be a side yard of not less than five feet for interior lots and not less than ten feet for the street side of corner lots. Provided, however, the combined side yards between a building on the lot in question and a building on an adjacent lot shall be not less than ten feet. There shall be a side yard of not less than three feet for accessory buildings or garages on interior lots; however, main building side yards shall be applicable to accessory buildings adjacent to streets. Garages facing a side street must have a setback of not less than 20 feet. Where a corner lot has a major thoroughfare as a side street there shall be no less than a 20-foot side yard setback and no driveway access onto the major thoroughfare.
  - 5. Width of lot. The minimum width of a lot shall be 50 feet excepting that where a lot of record and in separate ownership at the time of passage of this ordinance has less than herein required.
  - 6. Lot area. The minimum area of a lot shall be 5,000 square feet excepting that where a lot of record and in separate ownership at the time of passage of this ordinance has less than herein required.
- D. Garage regulations. See section 9.8 hereof.
- E. Trash disposal regulations. See section 9.14 hereof.
- F. Portable storage unit regulations. See section 9.15 hereof.

G. Parking regulations. See section 12 hereof.

H. Sign regulations. See section 13 hereof.

I. Fence regulations. Section 14 hereof.

(Ord. No. O-81-18, § 3, 8-17-1981; Ord. No. O-88-29, § 3, 8-15-1988; Ord. No. O-89-15, § 4, 6-19-1989; Ord. No. O-98-10, § 7, 3-2-1998; O-03-31; 09/15/03; Ord. No. O-08-39, §§ 7.3.D-I, 07-21-2008).

**7.4. R-3 two-family residential district.**

- A. Purpose. This residential district is designed to accommodate single-family and duplex dwellings as an intermediate classification allowing an orderly transition from the neighborhood of exclusively single-family dwellings to the higher density of other modes of residential development.
- B. Use regulations. In the R-3 two-family residential district, no building or land shall be used and no building shall be hereafter erected, reconstructed, altered or enlarged, unless otherwise provided in this ordinance, except for one or more of the following uses:
  - 1. Any use permitted in R-2 single-family residential district.
  - 2. Two-family dwellings (duplex).
  - 3. Specific use as permitted by section 15 hereof.
- C. Height and area regulations.
  - 1. Height. Same as provided in an R-1 district.
  - 2. Front yard. Same as provided in an R-1 district.
  - 3. Rear yard. Same as provided in an R-2 district.
  - 4. Side yard. Same as provided in an R-2 district.
  - 5. Width of lot. The minimum width of a lot shall be 75 feet for lots used for two-family dwellings and 50 feet for lots used for single-family dwellings, excepting where a lot of record and in separate ownership at the time of passage of this ordinance has less than herein required.
  - 6. Lot area. The minimum area of a lot shall be 6,000 square feet for lots used for two-family dwellings and 5,000 square feet for lots used for single-family dwellings, excepting where a lot of record and in separate ownership at the time of passage of this ordinance has less than herein required.
  - 7. Density. In a duplex development there shall be no more than ten dwelling units per gross platted acre including all roadways.
  - 8. Additional regulations. Where the duplex structure is situated to face a common access area rather than upon a public or private street, the

minimum dimension between structures facing said common access area shall be 40 feet. Common driveways shall be at least 18 paved feet in width.

- D. Garage regulations. See section 9.8 hereof.
- E. Trash disposal regulations. See section 9.14 hereof.
- F. Portable storage unit regulations. See section 9.15 hereof.
- G. Parking regulations. See section 12 hereof.
- H. Sign regulations. See section 13 hereof.
- I. Fence regulations. Section 14 hereof.

(Ord. No. O-98-10, § 8, 3-2-1998; O-03-31; 09/15/03; Ord. No. O-08-39, §§ 7.4.D-I, 07-21-2008).

**7.5. R-4 patio-cluster residential district.**

- A. Purpose. This residential district provides higher density of single-family detached housing which can be placed on smaller lots and clustered about cul-de-sac streets with adjoining common open space provided for the residents' recreational and open space use. This district allows for flexibility of placement of the dwelling unit on the lot and can allow for the enclosure of patio areas by walls or fences. This district should be located near collector thoroughfares to accommodate the higher density of population that can occur.
- B. Use regulations. In the R-4 patio-cluster residential district, no building or land shall be used and no building shall be hereafter erected, reconstructed, altered or enlarged, unless otherwise provided in this ordinance, except for one or more of the following uses:
  - 1. Patio or cluster single-family detached dwellings.
  - 2. Any use permitted in an R-2 or R-3 district; provided, however, that for uses permitted in R-2 or R-3 districts all district regulations for R-2 or R-3 residential developments, whichever is applicable, shall apply, including, without limitation, lot area, width and setback requirements and parking regulations.
  - 3. Common open and/or recreation space.
  - 4. Specific use as permitted by section 15 hereof.
- C. Height and area regulations.
  - 1. Height. Same as provided in an R-1 district.



2. Front yard. Patio or cluster dwelling units on corner lots shall have a front yard of not less than ten feet. Patio or cluster dwelling units on interior lots may have a front yard of zero feet, provided, however, at least every third lot shall have a front yard of not less than ten feet. Garages that open to the street shall have a front yard of no less than 20 feet. Dwelling units other than patio or cluster units shall provide a front yard as required in an R-1 district.
3. Rear yard. There shall be a rear yard not less than 20 feet; provided, however, when the rear yard is adjacent to a common owned open space, the rear yard shall be not less than ten feet.
4. Side yard. There shall be a side yard of five feet; provided, however, there may be zero feet when not less than ten-foot side yard is provided by the adjacent lot and further provided that the wall to be located with the zero feet side yard shall be constructed of brick or masonry and shall be solid and without any openings to the adjacent lot. There shall be not less than a ten-foot side yard at plat boundaries. There shall be no less than a ten-foot side yard on the street side of corner lots, with a minimum of a 20-foot side yard if the side street is a major thoroughfare. Garages facing a side street must have a setback of not less than 20 feet. Where a corner lot has a major thoroughfare as a side street there shall be no less than a 20-foot side yard setback and no driveway access onto the major thoroughfare.
5. Lot width. The minimum width of a lot shall be 40 feet in not less than 80 percent of all platted lots and not less than 35 feet for any platted lot, excepting that where a lot of record and in separate ownership at the time of the passage of this ordinance has less than herein required.
6. Lot area. The minimum lot area shall be 2,800 square feet excepting where a lot of record and in separate ownership at the time of the passage of this ordinance has less than herein required.
7. Density. There shall be no more than six dwelling units per gross platted acre including all roadways.
8. Additional regulations. Where patio or cluster housing lots are designed to face upon an open or common access court rather than upon a public or private street, such open or common court shall be at least 40 feet in width.

- D. Garage regulations. See section 9.8 hereof.
- E. Trash disposal regulations. See section 9.14 hereof.
- F. Portable storage unit regulations. See section 9.15 hereof.
- G. Parking regulations. See section 12 hereof.
- H. Sign regulations. See section 13 hereof.
- I. Fence regulations. Section 14 hereof.

(Ord. No. O-81-18, § 4, 8-17-1981; Ord. No. O-98-10, § 9, 3-2-1998; O-03-31; 09/15/03; Ord. No. O-08-39, §§ 7.5.D-I, 07-21-2008).

**7.6. R-5 townhouse residential district.**

- A. Purpose. This residential district is designed to accommodate attached multistory single-family townhouse units with commonly owned open space to provide residents with open space and recreational areas in close proximity to their place of residence. This district may be used in the zone of transition between lower density residential and higher density residential or commercial use areas. Due to the higher densities provided in this district, close vehicle access to major thoroughfares should be considered necessary.
- B. Use regulation. In the R-5 townhouse residential district, no building or land shall be used and no building shall be hereafter erected, reconstructed, altered or enlarged, unless otherwise provided in this ordinance, except for one or more of the following uses:
  - 1. Single-family attached and non-attached townhouse units.
  - 2. Any use permitted in R-2, R-3, or R-4 districts; provided however, that for uses permitted in R-2, R-3, or R-4 districts all district regulations for R-2, R-3, or R-4 residential developments, whichever is applicable, shall apply, including, without limitation, lot area, width and setback requirements, and parking regulations.
  - 3. Common open and/or recreational space.
  - 4. Specific use as permitted by section 15 hereof.
- C. Height and area regulations.
  - 1. Height. No building or structure shall exceed three stories or 45 feet.
  - 2. Front yard. Townhouse dwelling units shall provide a front yard of not less than 25 feet; when facing a major thoroughfare, units shall provide a front yard of 35 feet. There shall be a front yard of not less than 20 feet from the right-of-way line of a street to the face of a garage when a garage faces a street.
  - 3. Rear yard. There shall be a rear yard not less than 20 feet; provided, however, when the rear yard is adjacent to a commonly owned open space, the rear yard shall be not less than ten feet.
  - 4. Side yard. There shall be no less than a ten-foot side yard on the street side of corner lots, with a minimum of a 20-foot side yard if the side street is a major thoroughfare. Garages facing a side street must have a setback of not less than 20 feet. Where a corner lot has a major thoroughfare as a side street there shall be no less than a 20-foot side yard setback and no driveway access onto the major thoroughfare. The side yards shall be no less than ten feet at plat boundaries. Where townhouse dwelling units are

non-attached, there shall be at least a five-foot side yard from interior lot lines.

5. Lot width. The minimum lot width shall be 25 feet in not less than 80 percent of all platted lots and not less than 23 feet for any platted lot excepting that where a lot of record and separate ownership at the time of passage of this ordinance has less than herein required.
6. Lot area. The minimum area of a lot shall be 1,800 square feet provided that where a lot of record and in separate ownership at the time of passage of this ordinance has less than herein required.
7. Density. There shall be no more than ten dwelling units per gross platted acre including all roadways.
8. Additional regulations. Where townhouse lots and dwelling units are designed to face upon an open or common access court, rather than upon a public or private street, such open or common access court shall be at least 40 feet in width. No grouping of attached townhouse dwelling units shall exceed 200 feet in width.
9. Trash disposal. Developers have the option of providing commonly used trash disposal dumpsters which are screened from view or they may provide enclosed areas for occupants to place individually owned trash containers.

- D. Garage regulations. See section 9.8 hereof.
- E. Trash disposal regulations. See section 9.14 hereof.
- F. Portable storage unit regulations. See section 9.15 hereof.
- G. Landscaping regulations. See section 11 hereof.
- H. Parking regulations. See section 12 hereof.
- I. Sign regulations. See section 13 hereof.
- J. Fence regulations. See section 14 hereof.

(Ord. No. O-91-1, § 5, 3-4-1991; Ord. No. O-98-10, §§ 10, 11, 3-2-1998; O-03-31; 09/15/03; Ord. No. O-08-39, §§ 7.6.D-J, 07-21-2008).

#### **7.7. R-6 condominium residential district.**

- A. Purpose. This residential district is designed to allow medium to high density attached multistory single-family condominium units with commonly owned open space and recreational areas nearby. This district may be used in the zone of transition between lower density residential and high density residential or commercial use areas. Due to the higher density of the permitted uses, this district should be located near and reasonably accessible to major thoroughfares.

- B. Use regulations. In the R-6 condominium residential district, no building or land shall be used and no building shall be hereafter erected, reconstructed, altered or enlarged, unless otherwise provided in this ordinance, except for one or more of the following uses:
1. Condominium units.
  2. Any use permitted in R-2, R-3, R-4, or R-5 districts; provided however, that for uses permitted in R-2, R-3, R-4, or R-5 districts all district regulations for R-2, R-3, R-4, or R-5 residential developments, whichever is applicable, shall apply, including, without limitation, lot area, width, setback requirements, and parking regulations.
  3. Common open and/or recreational space.
  4. Specific use as permitted by section 15 hereof.
- C. Height and area regulations.
1. Height. No building or structure shall exceed three stories or 45 feet. Provided, however, the board of adjustment may make special exceptions to this regulation and permit a building height of not to exceed five stories or 75 feet, where to do so will not be contrary to public interest and will not result in substantial injury to surrounding property or the appropriate use thereof.
  2. Yards. There shall be a setback of at least 25 feet from a public street. Otherwise, the following minimum non-overlapping yards are required for each condominium building:
    - a. Front yard. There shall be a front yard of not less than 15 feet.
    - b. Rear yard. There shall be a rear yard of not less than ten feet.
    - c. Side yard. There shall be a side yard of not less than five feet.
  3. Lot width. No minimum for condominium tracts.
  4. Density (units-acre). There shall be no more than 15 condominium dwelling units per net platted acre. The net platted acreage shall be the total platted acreage of the plat, less any acreage occupied by (1) lakes or ponds (not for recreational purposes), (2) irrigation canals or drainage canals, (3) public uses, or (4) utility easements.
  5. Greenbelt. There shall be a greenbelt of 30 feet adjacent to all plat property lines. Buildings, streets and parking may be built immediately adjacent to the greenbelt. There shall be a yard of 15 feet between buildings and private streets, driveways and parking areas. Steps, unenclosed porches, fences, patios or courts are allowed in yards. The developer shall have the option to provide the greenbelt or an equivalent green area within the development in addition to all required yards.
  6. Trash disposal. Same as provided in R-5 districts.
- D. Architectural standards. See section 7A hereof.

- E. Garage regulations. See section 7A.2.D and 9.8 hereof.
- F. Trash disposal regulations. See section 9.14 hereof.
- G. Portable storage unit regulations. See section 9.15 hereof.
- H. Landscaping regulations. See section 11 hereof.
- I. Parking regulations. See Section 12 hereof.
- J. Sign regulations. See section 13 hereof.
- K. Fence regulations. See section 14 hereof.
- L. Amenities. Amenities, including meeting area(s), fitness center(s), and pool(s) shall be provided on-site to residents of condominium developments.

(Ord. No. O-81-24, § 2, 11-2-1981; Ord. No. O-91-11, § 6, 3-4-1991; Ord. No. O-98-10, § 12, 3-2-1998; O-03-31; 09/15/03; O-04-56; 12/20/04; O-05-15; 04-18-05; Ord. No. O-08-39, §§ 7.7.D-L, 07-21-2008).

#### **7.8. MF-1 multifamily residential district.**

- A. Purpose. This district allows medium to high density multifamily dwellings and is intended to comprise larger tracts of land which provide total residential amenities such as open space, recreation space and areas of protected off-street parking. Due to the traffic generating probability of medium to high density multifamily dwellings, this district is intended to be located near and reasonably accessible to thoroughfares capable of accommodating higher traffic volumes.
- B. Use regulations. In the MF-1 multifamily residential district, no buildings or land shall be used and no buildings shall be hereafter erected, reconstructed, altered or enlarged, unless otherwise provided in this ordinance, except for one or more of the following uses:
  - 1. Multifamily residential dwellings.
  - 2. Any use permitted in R-2, R-3, R-4, R-5, or R-6 districts; provided, however, that for uses permitted in R-2, R-3, R-4, R-5, or R-6 districts all district regulations for R-2, R-3, R-4, R-5, or R-6 residential developments, whichever is applicable, shall apply, including, without limitations, lot area, width, and setback requirements, and parking ratio.
  - 3. Specific use as permitted by section 15 hereof.
- C. Height and area regulations.
  - 1. Height. No building or structure shall exceed two stories or 35 feet.

2. Yards. Same as provided in R-6 districts.
    - a. Front yard. Same as provided in R-6 districts.
    - b. Rear yard. Same as provided in R-6 districts.
    - c. Side yard. Same as provided in R-6 districts.
  3. Lot width. No minimum for multifamily tracts.
  4. Density (units-acre). There shall be no more than 15 dwelling units per net platted acre. The net platted acreage shall be the total platted acreage of the plat, less any acreage occupied by: (1) lakes or ponds (not for recreational purposes), (2) irrigation canals or drainage canals, (3) public uses, or (4) utility easements.
  5. Density (units-structure). There shall be no more than 15 dwelling units per building and no dwelling unit structure shall exceed 200 feet in length.
  6. Greenbelt. Same as provided in R-6 districts.
  7. Trash disposal. Same as provided in R-5 district.
- D. Architectural standards. See section 7A hereof.
- E. Garage regulations. See section 7A.2.D and 9.8 hereof.
- F. Trash disposal regulations. See section 9.14 hereof.
- G. Portable storage unit regulations. See section 9.15 hereof.
- H. Landscaping regulations. See section 11 hereof.
- I. Parking regulations. See Section 12 hereof.
- J. Sign regulations. See section 13 hereof.
- K. Fence regulations. See section 14 hereof.
- L. Amenities. Amenities, including meeting area(s), fitness center(s), and pool(s) shall be provided on-site to residents of multifamily developments.

(Ord. No. O-98-10, § 12, 3-2-1998; Ord. No. O-00-66, § 3, 12-4-2000; O-03-31; 09/15/03; O-04-56; 12/20/04; Ord. No. O-08-39, §§ 7.8.D-L, 07-21-2008).

## **7.9. MF-2 multifamily residential district.**

- A. Purpose. This district serves to meet the housing need for multifamily living consisting of more modest sized dwelling units and at an increased number of units within the multifamily complex. This district is to be utilized in limited quantities and within specific areas of the city that, in accordance with the defined growth goals for the community, are specifically designed for higher density use

of the land. It is the intent of this housing type that it be located along major thoroughfares for direct vehicular access and near major employment centers. The normal amenities required for recreational, open space and protected off-street parking found in more restrictive multifamily districts are required for this district.

- B. Use regulations. Same as MF-1 districts.
- C. Height and area regulations.
  - 1. Height; front, side and rear yard. In the MF-2 multifamily residential [district] the height, front, side and rear yard requirements shall be the same as MF-1 multifamily residential except that a maximum height of three stories or 45 feet shall be allowed for an MF-2 structure.
  - 2. Lot width. No minimum for multifamily tracts.
  - 3. Density (units-acre). Same as MF-1 except a density of 20 units per gross platted acre shall be permitted.
  - 4. Density (units-structure). There shall be no more than 24 dwelling units per building and no dwelling unit structure shall exceed 300 feet in length.
  - 5. Greenbelt. Same as provided in R-6 districts.
  - 6. Trash disposal. Same as provided in R-5 districts.
- D. Architectural standards. See section 7A hereof.
- E. Garage regulations. See section 7A.2.D and 9.8 hereof.
- F. Trash disposal regulations. See section 9.14 hereof.
- G. Portable storage unit regulations. See section 9.15 hereof.
- H. Landscaping regulations. See section 11 hereof.
- I. Parking regulations. See Section 12 hereof.
- J. Sign regulations. See section 13 hereof.
- K. Fence regulations. See section 14 hereof.
- L. Amenities. Amenities, including meeting area(s), fitness center(s), and pool(s) shall be provided on-site to residents of multifamily developments.

(Ord. No. O-98-10, § 12, 3-2-1998; Ord. No. O-00-66, § 3, 12-4-2000; O-03-31; 09/15/03; 9-04-56; 12/20/04; O-08-39, § 7.9.C-L, 07-21-08).

**7.95. LC local commercial district.**

- A. Purpose. This district is the most restrictive of all commercial districts and is intended to provide professional services to residential areas. LC districts should be located convenient to residential areas and the size and architecture of structures should be complementary to and reflective of the character of the residential neighborhood served. Permitted uses in this district are not intended to be major traffic generators and district structures may access residential streets.
- B. Use regulations. In the LC local commercial district no buildings or land shall be used and no buildings shall be hereafter erected, reconstructed, altered or enlarged, unless otherwise provided in this ordinance, except for one or more of the following or similar type uses:
  - 1. Accounting firms.
  - 2. Architectural firms.
  - 3. Brokerage offices.
  - 4. Engineering firms.
  - 5. Child-care centers not located in a shopping center or an integrated business development.
  - 6. Dental offices, dental laboratories.
  - 7. Law firms.
  - 8. Medical offices.
  - 9. Real estate offices.
  - 10. Insurance offices.
  - 11. Travel agencies.
  - 12. Consultant services office.
  - 13. Specific use as permitted in section 15 hereof.
- C. Height and area regulations.
  - 1. Height. No building or structure shall exceed one story or 25 feet in height.
  - 2. Front yard. Primary building shall not be closer than 30 feet to the front property line.
  - 3. Rear yard. There shall be a rear yard of not less than 25 feet.
  - 4. Side yard. There shall be a side yard of not less than 30 feet when siding a street or thoroughfare and in no event less than 20 feet.
- D. Building regulations.
  - 1. [Building fronts.] The front building lines shall be interrupted at least every 50 feet in one or more of the following manners:
    - a. A minimum five-foot building offset;
    - b. A canopy or facade;
    - c. Landscaping.



2. [Lighting.] If adjacent to a residential district, exterior light shall be shielded to prohibit illumination at the boundary of the LC district to the residential district in excess of 0.25 footcandle of average general light overflow or 0.50 footcandle at any point on such boundary. In all other cases, exterior lighting shall be limited to low level incandescent spotlights, floodlights, and similar illuminating devices and such shall be installed, hooded, regulated, and maintained by the owner or person in control thereof in such manner that the direct beam of any such light will not glare upon any lot, tract, or parcel of land other than that upon which it is situated.
  3. [Floor area.] The maximum square footage floor area per tenant or occupant shall be 1,500 square feet.
  4. [Architecture and design.] Buildings located in this district shall be reflective of the character and compatible in architecture and design with adjacent districts, particularly adjoining residential districts.
- E. Architectural standards. See section 7A hereof.
- F. Trash disposal regulations. See section 9.14 hereof.
- G. Landscaping regulations.. See section 11 hereof.
- H. Parking regulations. See section 12 hereof.
- I. Sign regulations. See section 13 hereof.
- J. Fence regulations. See section 14 hereof.
- K. Outside display. There shall be no outside display of materials or merchandise.
- L. Outside storage. There shall be no outside storage of materials or merchandise.
- M. Outside sales. There shall be no outside sale of merchandise or services.

(Ord. No. O-90-7, § 3, 3-19-1990; Ord. No. O-96-22, § 3, 6-24-1996; Ord. No. O-98-10, §§ 13, 14, 3-2-1998; Ord. No. O-00-66, § 3, 12-4-2000, Ord. No. O-08-38, § 7.95.b, 07-21-08; Ord. O-08-39, § 7.95.E-M, 07-21-08).

**7.96. LC-O local commercial office district.**

- A. Purpose. The LC-O local commercial office district is intended to accommodate and encourage in a non-retail environment the development of high quality office parks. Uses allowed in an LC-O district have relatively low traffic generation characteristics, handle no products except on a limited basis and require limited to zero visibility to order conduct business.

- B. Use regulations. In the LC-O local commercial office district, no building or land shall be used and no building shall be hereafter erected, reconstructed, altered or enlarged, unless otherwise provided in this ordinance, except for one or more of the following or similar type uses:
1. Accounting, auditing, tax and bookkeeping services.
  2. Adjustment and collection services.
  3. Advertising services.
  4. Business associations.
  5. Consumer and mercantile credit reporting.
  6. Child-care centers not located in a shopping center or an integrated business development.
  7. Engineering, architectural and planning services.
  8. Insurance carriers, agents, brokers and related services.
  9. Legal services.
  10. Security and commodity brokers, dealers.
  11. Currency exchanges and services.
  12. Stenographic, duplicating and mailing services.
  13. Telephone answering service.
  14. Title abstractors and appraisers.
  15. Travel arranging and ticket services.
  16. Libraries.
  17. Museums.
  18. Park, playground.
  19. Medical and dental laboratory.
  20. Medical and dental clinics or offices.
  21. Limited service postal facility.
  22. Office buildings to be used only for the administrative functions of companies, corporations, social or philanthropic organizations or societies.
  23. Retail, including pharmacies (limited to prescription medicines, drugs, orthopedic devices and other uses contained in this subsection), books and stationery, newspapers and magazines, optical shops, restaurants (no drive-through pickup), day care, banking services (no remote tellers), credit unions, blueprinting and photocopying services, health club or physical fitness services, laundry and dry cleaning pickup stations, savings and loan associations, watch and jewelry repair services, gift and novelty sales, tailoring, tobacco products, sporting goods and athletic equipment, clothing and accessories, film drop-off stations and the like; provided, however, that any such use shall not occupy more than three percent of the gross floor area of a building [and] that all such retail uses combined shall not occupy an area in excess of 25 percent of the gross floor area of a building. Also such use or uses shall not have direct exterior access and shall not have exterior signage.
  24. Specific use as permitted by section 15 hereof.

C. Height and area regulations.

1. Height. No limit; provided, however, if a building is to be built in this district within 150 feet of a residential district, its building height shall be limited to the height limits of such adjoining residential district or a height based on the ratio of one foot of height for each 1.75 feet of distance from the commercial building to the nearest property line in the nearest residential district, whichever height limit is more restrictive.
2. Front yard. There shall be a front yard of not less than 30 feet except buildings exceeding 2 1/2 stories in height shall provide a front yard at least equal to the average height of the building above finished grade, but need not be more than 100 feet.
3. Rear yard. There shall be a rear yard of not less than 30 feet.
4. Side yard. There shall be a side yard of not less than 30 feet when abutting a street or a residential district, otherwise the side yard will be determined by the building and fire codes.

D. Building regulations.

1. [Architecture and design.] Buildings located in this district shall be reflective of the character and compatible in architecture and design and [with] adjacent districts, particularly adjoining residential districts.
2. [Lighting.] Exterior lighting shall be shielded to prohibit glare onto adjoining properties.

E. Architectural standards. See section 7A hereof.

F. Trash disposal regulations. See section 9.14 hereof.

G. Landscaping regulations.. See section 11 hereof.

H. Parking regulations. See section 12 hereof.

I. Sign regulations. See section 13 hereof.

J. Fence regulations. See section 14 hereof.

K. Outside display. There shall be no outdoor display of merchandise.

L. Outside storage. There shall be no outside storage.

M. Outside sales. There shall be no outside sales.

(Ord. No. O-90-7, § 3, 3-19-1990; Ord. No. O-96-22, § 4, 6-24-1996; Ord. No. O-98-10, §§ 15, 16, 3-2-1998; Ord. No. O-00-66, § 3, 12-4-2000; Ord. No. O-01-64, § 3, 12-17-2001; Ord. No. O-08-38, § 7.96.b, 07-21-08; Ord. No. O-08-39, § 7.96.E-M, 07-21-08).

#### **7.10. LC-1 local retail restricted.**

- A. Purpose. This retail district is the most restrictive of the retail districts and is intended to provide day-to-day retail and service needs for residential neighborhood service areas. It is intended to be located convenient to residential areas and the size and architecture of the retail structures should be complementary to and reflective of the character of the residential neighborhood served. Permitted uses in this district are not intended to be major traffic generators and retail structures should not face residential streets.
- B. Use regulations. In the LC-1 local retail district, no buildings or land shall be used and no buildings shall be hereafter erected, reconstructed, altered or enlarged, unless otherwise provided in this ordinance, except for one or more of the following uses:
  - 1. Art, music and dance studios.
  - 2. Bakeries, retail sales only.
  - 3. Barber and beauty shops.
  - 4. Book, stationery stores and newsstands.
  - 5. Cleaning, pressing and laundry collection stations.
  - 6. Custom dressmaking, millinery and tailor shops.
  - 7. Child-care centers not located in a shopping center or an integrated business development.
  - 8. Drugstores.
  - 9. Florist and gift shops.
  - 10. Neighborhood (commercial) convenience center; provided, however, the sale of gasoline, diesel and other motor fuels are prohibited.
  - 11. Professional offices such as physicians, dentists, lawyers, accounting and insurance.
  - 12. Real estate and sales offices.
  - 13. Sales of alcoholic beverages for off-premises consumption (excluding package liquor stores).
  - 14. Savings and loan.
  - 15. Single-family dwelling when a part of and included with an authorized retail structure and is occupied by the owner and operator of the retail establishment.
  - 16. Specialty shops.
  - 17. Specific use as permitted by section 15 hereof.
- C. Height and area regulations.
  - 1. Height. No building or structure shall exceed two stories or 35 feet in height.
  - 2. Front yard. Primary building shall not be closer than 30 feet to the front property line; however, those canopies without walls and which are

supported by columns which do not impede sight lines shall not be closer than 20 feet from front property lines.

3. Rear yard. There shall be a rear yard of not less than 15 feet.
4. Side yard. There shall be a side yard of not less than 30 feet where siding a street or thoroughfare and in no event less than 15 feet.

D. Building regulations.

1. Building fronts. The front building lines shall be interrupted at least every 100 feet in one or more of the following manners:
  - a. A minimum five-foot building offset;
  - b. A canopy or facade;
  - c. Landscaping.
2. Lighting. Exterior lighting shall be shielded to prohibit illumination at the boundary of an adjacent residential district in excess of 0.25 footcandle of average general light overflow or 0.50 footcandle at any point on such boundary.
3. [Floor area.] The maximum square footage floor area per tenant or occupant shall be 2,000 square feet.

E. Architectural standards. See section 7A hereof.

F. Trash disposal regulations. See Section 9.14 hereof.

G. Landscaping regulations. See section 11 hereof.

H. Parking regulations. See section 12 hereof.

I. Sign regulations. See section 13 hereof.

J. Fence regulations. See section 14 hereof.

K. Outside display. Merchandise or materials placed outside shall be considered "on display" rather than stored if left outside only during normal business hours and shall be permitted only as provided for herein.

1. Customary and incidental. No outside display of merchandise or materials is allowed except for merchandise or materials customarily displayed outside that are incidental and not a primary part of the normal operation of a building lawfully located on such premises.
2. Parking areas. Outside display of merchandise is permitted in the parking lot only where parking spaces are available in excess of the minimum required or the center/building located on a premises located in the district has an occupancy which is less than 100 percent such that sufficient parking space is available to meet the parking requirements for existing uses. The use of parking areas for the outside display of merchandise or

materials is permitted only where such display would not interfere with the normal flow of traffic.

3. Landscaped areas. Landscaped areas shall not be used for the display of merchandise.
4. Fire hazard. Materials may not be displayed outdoors in such a manner as to constitute a fire safety hazard as determined by the fire marshal.
5. Sidewalk. Outdoor display of merchandise or equipment shall not interfere with the use of the sidewalk. Generally, a minimum of six feet of sidewalk depth must remain unobstructed by merchandise.

L. Outside storage. Merchandise or materials placed outside shall be considered stored rather than on display if left outside the building overnight and shall be permitted only as provided for herein:

1. Customary and incidental. No outside storage except for merchandise customarily stored outside that is incidental and not a primary part of the normal operation of the business lawfully located on the premises.
2. Seasonal. Storage of merchandise or materials which are the principal or primary merchandise or materials associated with a business lawfully located on a premises in this district which are normally used or stored outdoors, and which are customarily and commonly associated with seasonal sales is permitted, but is restricted to the length of time that such seasons are normally and customarily recognized by the public. Additionally, such storage areas must be clearly marked or bound[ed] by fencing or plant materials.
3. Parking area. Outdoor storage of materials is permitted in the parking lot only where parking spaces are available in excess of the minimum required or the center/building occupancy is less than 100 percent such that sufficient parking is available to meet the parking requirements for existing uses. The use of parking areas for the outside storage of merchandise and materials is permitted only when such storage would not interfere with the normal flow of traffic.
4. Landscaped areas. Landscaped areas shall not be used for the storage of merchandise.
5. Fire hazard. Materials may not be stored outdoors in such a manner as to constitute a fire safety hazard as determined by the fire marshal.
6. Sidewalk. Storage of merchandise or material shall not interfere with use of the sidewalk. Generally, a minimum of six feet of sidewalk depth must remain unobstructed by merchandise or equipment.

M. Outside sales. Outside sale of merchandise or services shall be permitted only as provided for herein.

1. Frequency. Outside sales shall be limited to one per month per integrated business development or, where there is no integrated business development, to one per month per individual business establishment,

lawfully located on the premises in this district where such outside sale of merchandise is to occur and shall be of a duration of no more than three days.

2. Holiday sales. In addition to the regulations set forth in subparagraph 1 above, outside sales shall be permitted which are incidental, customary and commonly associated with a national, local, ethnic or religious holiday. Such sale shall be restricted to the length of time that the holiday or event is normally and customarily celebrated by the public.
3. Parking areas. Sales merchandise or material may be placed in the parking lot only where parking spaces are available in excess of the minimum required or the center/building occupancy is less than 100 percent such that sufficient parking is available to meet the parking requirements for existing uses. The use of parking areas for the outside sale of merchandise or services is permitted only where such sale would not interfere with the normal flow of traffic.
4. Landscaped areas. Landscaped areas shall not be used for the display of sales merchandise.
5. Fire hazard. Location of sales in such a manner as to constitute a fire safety hazard as determined by the fire marshal is prohibited.
6. Sidewalk. Location of sales merchandise shall not interfere with use of the sidewalk. Generally, a minimum of six feet of sidewalk depth must remain unobstructed by sales merchandise.
7. Music. Outdoor sales accompanied by music or magnified sound of any nature are restricted to the hours of 10:00 a.m. to 10:00 p.m.

(Ord. No. O-82-9, §§ 2, 5, 3-13-1982; Ord. No. O-89-38, §§ 3, 4, 11-6-1989; Ord. No. O-95-27, § 3, 7-17-1995; Ord. No. O-96-22, § 5, 6-24-1996; Ord. No. O-98-10, §§ 17, 18, 3-2-1998; Ord. No. O-00-66, § 3, 12-4-2000; Ord. No. O-08-38, § 7.10 B, 07-21-08; Ord. No. O-08-39, § 7.10 E-M, 07-21-08).

#### **7.11. LC-2 local retail.**

- A. Purpose. The LC-2 local retail district is intended to accommodate those retailing and commercial and land uses that are most normally located along major thoroughfares and serve the retail needs of the residents such as food, drugs, eating, and personal services. This district is intended to serve a community-wide service area thus generating higher volumes of traffic than more restrictive retail uses. This district should be buffered from residential areas.
- B. Use regulations. In the LC-2 local retail district, no buildings or land shall be used and no buildings shall be hereafter erected, reconstructed, altered or enlarged, unless otherwise provided in this ordinance, except for one or more of the following type uses:
  1. Single-family dwelling when a part of and included with an authorized retail structure and is occupied by the owner and operator of the retail establishment.

2. Any use permitted in LC-1 districts.
3. Carwash establishment.
4. Bank.
5. Candy, confectionery retail store.
6. Commercial indoor recreational.
7. Copying, photography or duplicating services.
8. Delicatessen shops.
9. Grocery stores, meat markets.
10. Health and physical fitness centers.
11. Jewelry stores, optical goods.
12. Indoor game parlors.
13. Package liquor store.
14. Office buildings.
15. Photographic shop and studio.
16. Restaurant, cafeteria or cafe (alcoholic beverages are permitted when served on premises incidental to the serving of food).
17. Radio, television sales, service and electronic devices.
18. Sporting goods including gun sales and repair.
19. Furniture store.
20. Tailor, clothing or weaving apparel shops.
21. Dog and cat veterinary clinic if entirely with[in] a building.
22. Musical instrument sales and repair and sheet music and record sales.
23. Specific use as permitted by section 15 hereof.

The above uses are not intended to be all-inclusive. Additional commercial uses may be permitted which correspond with the purpose of this district.

C. Height and area regulations.

1. Height. No building or structure shall exceed two stories of [or] 35 feet in height.
2. Front yard. Primary building shall not be closer than 30 feet to the front property line; however, those canopies without walls and which are supported by columns which do not impede sight lines shall not be closer than 20 feet from the front property line.
3. Rear yard. There shall be a rear yard of not less than 20 feet.
4. Side yard. There shall be a side yard of not less than 30 feet where siding a street or thoroughfare and not less than 15 feet when abutting a residential district; otherwise the side yard will be determined by the building and fire codes.

D. Building regulations.

1. Building fronts. The front building lines shall be interrupted at least every 300 feet in one or more of the following manners:
  - a. A minimum ten-foot building offset;



- b. A canopy or facade;
  - c. Landscaping.
- 2. Lighting. Exterior lighting shall be shielded to prohibit illumination at the boundary of adjacent property in excess of 0.25 footcandle of average general light overflow or 0.50 footcandle at any point on such boundary.
- E. Architectural standards. See section 7A hereof.
- F. Trash disposal regulations. See section 9.14 hereof.
- G. Landscaping regulations. See section 11 hereof.
- H. Parking regulations. See section 12 hereof.
- I. Sign regulations. See section 13 hereof.
- J. Fence regulations. See section 14 hereof.
- K. Outside display. Same as provided in an LC-1 district.
- L. Outside storage. Same as provided in an LC-1 district.
- M. Outside sales. Same as provided in an LC-1 district.

(Ord. No. O-82-9, §§ 3--5, 3-13-1982; Ord. No. O-89-38, §§ 5, 6, 11-6-1989; Ord. No. O-96-22, § 6, 6-24-1996; Ord. No. O-98-10, §§ 19, 20, 3-2-1998; Ord. No. O-00-66, § 3, 12-4-2000; Ord. No. O-08-39, 7.11.E-M, 07-21-08).

#### **7.12. LC-3 retail.**

- A. Purpose. This is the most permissive of the retail districts and includes comparison shopping facilities and would have a citywide or regional service area. Due to the traffic generating character of this type of retail center this zoning district should be located along major highways and should provide total on-site traffic maneuvering. This district should be located at intersections of major thoroughfares or highways in order to lessen traffic congestion and safety hazards. Due to the longer hours of operation and activity for regional and community type retail centers, adjoining zoning districts should be carefully selected to reduce environmental conflicts with residential and nonresidential uses.
- B. Use regulations. In the LC-3 retail district, no building or land shall be used and no building shall be hereafter erected, reconstructed, altered or enlarged, unless otherwise provided in this ordinance, except for one or more of the following type uses:

1. Any use permitted in LC-2 district.
2. Bakery, candy manufacturing.
3. Electrical and gas appliances and supply, sales, repair and installation services. All outdoor storage of merchandise or materials must be screened from public view.
4. Furniture showroom and/or warehouse.
5. Job printing.
6. Lounges.
7. Medical care facilities, hospital and medical, surgical or dental laboratories.
8. Motels, hotels.
9. Motorcycles sales and service. All sales and service must be done within permitted buildings.
10. Plumbing and heating appliances, repairs and installation services. All outdoor storage of merchandise or materials must be screened from public view.
11. Retail stores.
12. Tires, batteries and other automobile accessory uses and repairs. All such uses and repairs, other than storage of automobiles, must be done within permitted buildings. The outdoor storage of vehicles related to such uses and repairs shall be allowed, provided such storage is screened from public view in accordance with subsection 7.12.K.1 below.
13. Variety, department and discount stores.
14. Gasoline service station.
15. Specific use as permitted in section 15 hereof.

C. Height and area regulations.

1. Height. No limit; provided, however, if a building is to be built in this district within 150 feet of a residential district, its building height shall be limited to the height limits of such adjoining residential district or a height based on the ratio of one foot of height for each 1.75 feet of distance from the commercial building to the nearest property line in the nearest residential district, whichever height limit is least restrictive.
2. Front yard. Primary building shall not be closer than 30 feet to the front property line; however those canopies without walls and which are supported by columns which do not impede sight lines shall not be closer than 20 feet from the front property line.
3. Rear yard. There shall be a rear yard of not less than 25 feet.
4. Side yard. There shall be a side yard of not less than 30 feet when abutting a street or a residential district, otherwise the side yard will be determined by the building and fire codes.

- D. Building regulations.
  - 1. Building fronts. The front building lines shall be interrupted at least every 300 feet in one or more of the following manners:
    - a. A minimum ten-foot building offset;
    - b. A canopy facade;
    - c. Landscaping.
  - 2. Lighting. Exterior lighting shall be shielded to prohibit direct glare onto adjoining properties.
- E. Architectural standards. See section 7A hereof.
- F. Trash disposal regulations. See section 9.14 hereof.
- G. Landscaping regulations. See section 11 hereof.
- H. Parking regulations. See section 12 hereof.
- I. Sign regulations. See section 13 hereof.
- J. Fence regulations. See section 14 hereof.
- K. Outdoor display. Same as provided in an LC-1 district.
- L. Outside storage. Merchandise or materials placed outside shall be considered stored rather than on display if left outside the building overnight and shall be permitted only as provided herein:
  - 1. Primary use. The on-site outdoor storage of merchandise or materials which are associated with the principal or primary business lawfully located on a premise in this district is allowed provided such storage area is screened from public view. Specifically, the on-site outdoor storage of vehicles pending repair or in the process of being repaired associated with an automobile accessory use and/or repair business shall be allowed provided such storage area is screened from public view by one of the following screening methods.
    - a. A minimum eight-foot fence comprised of wooden fencing with brick pilasters or masonry fencing consisting of brick, stone, or concrete, located to the side or rear of the business; or
    - b. A minimum four-foot evergreen hedge installed and maintained in a solid row, spaced every 30 inches or less on center in combination with one of the following fencing options, provided such fencing is a minimum of six feet in height:

- i. Wooden fencing;
  - ii. Wire fencing, coated in black vinyl with black vinyl slats; or
  - iii. Tubular steel fencing.
- 2. Customary and incidental. Outside storage for merchandise customarily stored outside that is incidental and not a primary part of the normal operation of the business is allowed.
- 3. Seasonal. Storage of merchandise or materials which are a part of the principal or primary merchandise or materials associated with a business lawfully located on a premises in this district which are normally used or stored outdoors, and customarily and commonly associated with seasonal sales [and which] is restricted to the length of time that such seasons are normally and customarily recognized by the public, provided that storage areas are clearly marked or bounded by fencing or plant materials, shall be permitted.
- 4. Parking area. Outdoor storage of materials is permitted in the parking lot only where parking spaces are available in excess of the minimum required or the center/building occupancy is less than 100 percent such that sufficient parking is available to meet the parking requirements for existing uses. The use of parking areas for the outside storage of merchandise and materials is permitted only when such storage would not interfere with the normal flow of traffic.
- 5. Landscaped areas. Landscaped areas shall not be used or [for] the storage of merchandise.
- 6. Fire hazard. Materials may not [be] stored in such a manner as to constitute a fire safety hazard as determined by the fire marshal.
- 7. Sidewalk. Storage of merchandise or material shall not interfere with use of the sidewalk. Generally, a minimum of six feet of sidewalk depth must remain unobstructed by merchandise or equipment.

M. Outside sales. Same as provided in an LC-1 district.

(Ord. No. O-82-9, §§ 6, 7, 3-13-1982; Ord. No. O-89-38, § 7, 11-6-1989; Ord. No. O-96-22, § 7, 6-24-1996; Ord. No. O-98-10, §§ 21, 22, 3-2-1998; Ord. No. O-00-66, § 3, 12-4-2000; Ord. No. O-01-64, § 4, 12-17-2001; Ord. No. O-07-13, § 04-02-07; Ord. No. O-08-39, 7.12.E-L, 07-21-08).

#### **7.125. LC-4 retail.**

- A. Purpose. This retail district includes comparison shopping facilities and typical outdoor uses that would have a citywide or regional service area. In addition, this retail district may include sexually oriented business. Due to the traffic generating character of this type of retail center this zoning district should be located along major highways and should provide total on-site traffic maneuvering. This district should be located at intersections of major

thoroughfares or highways in order to lessen traffic congestion and safety hazards. Due to the longer hours of operation and activity for regional and community type retail centers, adjoining zoning districts should be carefully selected to reduce environmental conflicts with residential and nonresidential uses. Sexually oriented businesses are subject to the permit process set for in Article VII of Chapter 18 of the Code of Ordinances.

- B. Use regulations. In the LC-4 retail district, no building or land shall be used and no buildings shall be hereafter erected, reconstructed, altered or enlarged, unless otherwise provided in this ordinance, except for one or more of the following type uses:
1. Any use permitted in LC-3 district.
  2. Automobile parking lots.
  3. Automobile and trailer sales and service.
  4. Boat sales and service.
  5. Building material sales, storage yards, no planing mills.
  6. Frozen food lockers for individual or family use but not including the processing of food except cutting or wrapping.
  7. Garages, storage only.
  8. Mini warehouses.
  9. Nursery yards and buildings for retail sales.
  10. Portable buildings outdoor sales.
  11. Sexually oriented businesses, pursuant to Chapter 243 of the Texas Local Government Code and as set forth herein.
  12. Specific use as permitted in section 15 hereof.

The above uses are not intended to be all-inclusive. Additional commercial uses may be permitted which correspond with the purpose of this district.

- C. Height and area regulations.

1. Height. No limit.
2. Front yard. Primary building shall not be closer than 30 feet to the front property line; however those canopies without walls and which are supported by columns which do not impede sight lines shall not be closer than 20 feet from the front property line.
3. Rear yard. There shall be a rear yard of not less than 25 feet.
4. Side yard. There shall be a side yard of not less than 30 feet when abutting a street or a residential district, otherwise the side yard will be determined by the building and fire codes.

- D. Building regulations.

1. Building fronts. The front building lines shall be interrupted at least every 300 feet in one or more of the following manners:

- a. A minimum ten-foot building offset;
  - b. A canopy facade;
  - c. Landscaping.
- 2. Lighting. Exterior lighting shall be shielded to prohibit direct glare onto adjoining properties.
- E. Architectural standards. See section 7A hereof.
- F. Trash disposal regulations. See section 9.14 hereof.
- G. Landscaping regulations. See Section 11 hereof.
- H. Parking regulations. See Section 12 hereof.
- I. Sign regulations. See Section 13 hereof.
- J. Fence regulations. See Section 14 hereof.
- K. Outdoor sale of services. Outdoor sale of services shall be permitted only as provided for herein:
  - 1. Screening. Outside sale of services may be performed in an LC-4 district only when screened from public view; except that outside sale of services, such as carwashes and other similar small events that are of short duration that are sponsored by or administered at least in part by charitable, nonprofit or civic associations, groups or entities shall be permitted without screening.
  - 2. Parking area. Outside service is permitted in the parking lot only where parking spaces are available in excess of the minimum required or the center/building occupancy is less than 100 percent such that sufficient parking is available to meet the parking requirements for existing uses. The use of the parking area for outside service or repair is permitted only where such sale would not interfere with the normal flow of traffic.
  - 3. Landscaped areas. Landscaped areas shall not be used for outside service.
  - 4. Fire hazard. Outside service or repair shall not take place in such a manner as to constitute a fire safety hazard as determined by the fire marshal.
  - 5. Sidewalk. Outside service or repair shall not interfere with use of the sidewalk. Generally, a minimum of six feet of sidewalk depth must remain unobstructed by outside service or repair.

(Ord. No. O-82-9, § 8, 3-13-1982; Ord. No. O-89-38, § 8, 11-6-1989; Ord. No. O-96-22, § 8, 6-24-1996; Ord. No. O-98-10, §§ 23, 24, 3-2-1998; Ord. No. O-00-66, § 3, 12-4-2000; Ord. No. O-08-39, 7.125 E-K, 07-21-08).

**7.1255.**      **BP business park district.**

- A. Purpose. This district is intended to accommodate commercial and industrial uses in a park-like atmosphere created by standards to ensure high quality development. Because of the possibility of bulk shipments of materials and products to and from a business park district, direct access to rail, major thoroughfares or regional highways may be necessary.
- B. Use regulations.
  - 1. Child-care centers not located in a shopping center or an integrated business development.
  - 2. Any other commercial or industrial use except junk or salvage yards which satisfies the standards contained in the subsection.
- C. Height and area regulations.
  - 1. Height. No limit; provided, however, if a building is to be built in this district within 150 feet of a residential district, its building height shall be limited to the height limits of such adjoining residential district or a height based on the ratio of one foot of height for each 1.75 feet of distance from the commercial building to the nearest property line in the nearest residential district, whichever height limit is more restrictive.
  - 2. Front yard. No building shall be closer than 60 feet from the front property line.
  - 3. Rear yard. There shall be a rear yard of no less than 30 feet.
  - 4. Side yard. There shall be a side yard of not less than 30 feet.
- D. Building regulations.
  - 1. [Architecture and design.] Buildings located in this district shall have exterior walls of concrete, masonry, glass or steel or, when adjacent to residential districts, buildings located in this district shall be reflective of the character and compatible in architecture and design with such residential district.
  - 2. [Lighting.] Exterior lighting shall be shielded to prohibit direct glare onto adjoining properties.
- E. Performance standards.
  - 1. All operations shall be conducted within a fully enclosed building.
  - 2. No use shall be permitted or so operated as to produce or emit:
    - a. Smoke or particulate matter of a number 1 or darker on the Ringelmann chart.
    - b. Dust, fly ash, radiation, gases, heat, glare or other effects which may be injurious, offensive or noxious to humans at the property line.

- c. Vibration or concussion perceptible without instruments at the property line.
  - d. In no case shall the noise level exceed 70 dB(A) at repeated intervals or for a sustained length of time measured at any point along the property line.
  - e. Industrial wastes shall be of such a quantity and nature as to not overburden the public sewage disposal facilities or to cause odor and unsanitary effect beyond the property line.
  - f. Any underground fueling facilities or storage facilities shall comply with federal standards.
- F. Architectural standards. See section 7A hereof.
- G. Trash disposal regulations. See section 9.14 hereof.
- H. Landscaping regulations. See section 11 hereof.
- I. Parking regulations. See section 12 hereof.
- J. Sign regulations. Thirty-two square feet of monument signage shall be permitted for each major entrance to a development in such a district. One wall sign of 16 square feet is allowed for each business in such development in accordance with section 13.7.D.1.a(2) herein.
- K. Fence regulations. See section 14 hereof.
- L. Outdoor display. There shall be no outdoor display of materials or merchandise or products.
- M. Outside storage. All outside storage shall be completely screened from view by the public.
- N. Outside sales. There shall be no outside sales.

(Ord. No. O-90-7, § 4, 3-19-1990; Ord. No. O-91-11, § 7, 3-4-1991; Ord. No. O-96-22, § 9, 6-24-1996; Ord. No. O-98-10, §§ 25, 26, 3-2-1998; Ord. No. O-00-66, § 3, 12-4-2000; Ord. No. O-07-13, §73-19-2007; Ord. No. O-08-38, § 7.1255.B, 07-21-08; O-08-39, § 7.1255.E-N, 07-21-08).

### **7.13. Industrial.**

- A. Purpose. The purpose of this district is to regulate those uses of the land and structures that involve the manufacturing, assembly, processing, storage and/or distribution, sale and repair of materials, goods, parts, products, equipment, machinery, other such operations incidental to industrial uses, and sexually oriented businesses, pursuant to Chapter 243 of the Texas Local Government code



and as set forth herein. Residential uses are prohibited in this district. Those residential uses that existed at the time of adopting of this zoning ordinance may continue as nonconforming uses and the applicable nonconforming use regulations shall apply. Specific industrial uses are not excluded from this district, however, all proposed industrial uses and sexually oriented businesses and requests for industrial zoning shall be accompanied by a development site plan. Where the intended use may cause a detrimental change to the environment or substantially affect the public utility or thoroughfare systems, a detailed description showing compliance with the performance standards stated herein shall be submitted to the director of planning. Minimum performance standards are included in these district regulations and are determined to be the maximum allowable within a single or combined industrial use in the district. Sexually oriented businesses are subject to the permit process set forth in Article VII of Chapter 18 of the Code of Ordinances.

B. Use regulations.

1. Child-care centers not located in a shopping center or an integrated business development.
2. Any other industrial use, commercial use and sexually oriented business use that satisfies all applicable development site plan requirements, performance standards, and any other rules and regulations.

C. Development site plan. A development site plan shall be required for each application for a certificate of zoning compliance and shall contain the following information:

1. A scaled drawing showing the boundary of the tract and topography with a contour interval of not more than one-half-foot intervals with existing topographic contours in dashed lines and finished topographic contours in solid lines. The drawing shall also show methods of facilitating storm drainage upon completion of development of the site.
2. Where buildings and/or other structures are proposed a site plan showing the location of each building and the minimum distance between buildings and between the property line, street line and/or alley line shall be submitted.
3. A plan indicating the arrangement and provision of off-street parking, off-street loading, outside storage areas, method and location of storage area screening and points of entry from adjoining thoroughfares as well as dimensioned areas proposed to be landscaped.
4. A table showing net land area, [and] ratio of building area and outside storage areas to gross land area.
5. A description of performance standards compliance if deemed necessary by the director of planning based upon the characteristics of industrial activities to be conducted on the site.

6. Scale, north arrow, and names and addresses of owners and/or developers with name(s) and address(es) of those responsible for preparation of the development plan.

D. Height and area regulations.

1. Height. No limit except when a building is located adjacent to a residential or multifamily use district, in which event it shall not exceed 40 feet.
2. Front yard. There shall be a front yard of not less than 25 feet.
3. Side yard. There shall be a side yard of not less than ten feet. When the development abuts or adjoins another district, there shall be a side yard of 30 feet along the common district line.
4. Rear yard. There shall be a rear yard of not less than ten feet. When the development abuts or adjoins another district there shall be a rear yard of 30 feet along the common district line.

E. Performance standards.

1. Noise. At the point of measurement taken on the property line of the source property which has the highest reading, the sound pressure level or impact level of any operation or plant shall not exceed the decibel limits in column I for the

Octave Band Frequency (cycles per second)	Column I
37 to 75	90
75 to 150	80
150 to 300	74
300 to 600	69
600 to 1,200	65
1,200 to 2,400	62
2,400 to 4,800	60
Above 4,800	58
Impact noise	83

2. Vibration. At the point of measurement taken on the property line of the source property which has the highest reading, the sound pressure level or impact level of any operation or plant shall not exceed the decibel limits in column I for the corresponding frequency.

Frequency (cycles per second)	Column I* Displacement (inches)
----------------------------------	---------------------------------------

0 to 10	0.0022
10 to 20	0.0016
20 to 30	0.0010
30 and over	0.0005

\*Steady state--Vibrations, for the purpose of this section, which are continuous or, if in discrete pulses, are more frequent than 60 per minute. Impact vibrations, discrete pulses which do not exceed 60 pulses per minute, shall not cause in excess of twice the displacement stipulated.

3. Smoke and particulate matter. Systems planned for the purpose of the emission of particulate matter from all sources shall be designed according to the best available technology.
4. Toxic and noxious matter. In no case in the I industrial district shall the concentrations of toxic or noxious matter be released across source lot lines which will exceed ten percent of the concentration (exposure) considered as the threshold limit for an industrial worker. Reference is made to the most recent publication at the time of adoption of this section, or "Threshold Limit Values," adopted by the Texas State Board of Health in accordance with authority granted in article 4418d of the Revised Civil Statutes of Texas.
5. Lighting. Exterior lighting shall be shielded to prohibit illumination at the boundary of an adjacent residential district in excess of 0.25 footcandle of average general light overflow or 0.50 footcandle at any point on such boundary.

- F. Architectural standards. See section 7A hereof.
- G. Trash disposal regulations. See section 9.14 hereof.
- H. Landscaping regulations. See section 11 hereof.
- I. Parking regulations. See section 12 hereof.
- J. Sign regulations. See section 13 hereof.
- K. Fence regulations. See section 14 hereof.

(Ord. No. O-98-10, §§ 27, 28, 3-2-1998; Ord. No. O-00-66, § 3, 12-4-2000; Ord. No. O-08-38, § 7.13.B, 07-21-08; Ord. No. O-08-38, § 7.13.B, 07-21-08; Ord. No. O-08-39, §§ 7.13.F-K, 07-21-08).

**7.14. MH manufactured home district.**

- A. Purpose. The manufactured home district is the only district in which a manufactured home may be placed, with the exception of the placement of a manufactured home on a temporary basis for the duration of the construction of a residential, commercial or industrial subdivision or project. Manufactured homes are not permitted in other zoning districts and in order to allow for a broad range of housing types the manufactured home district provides the ability to construct and operate manufactured home parks and manufactured home subdivisions. Manufactured home parks will meet the need for well designed and operated areas for the leasing or temporary placement of manufactured homes. The manufactured home subdivision will allow for the design, construction and sale of lots specifically designed for manufactured housing units which will be permanently affixed to the ground by permanent foundations and connected to public utility services in a like manner as conventionally on-site constructed homes.
- B. Use regulations. In the MH manufactured home district, no building or land shall be used and no building shall be hereafter erected, reconstructed, altered or enlarged, unless otherwise provided in this ordinance, except for one or more of the following uses:
1. Manufactured homes and manufactured home parks.
  2. Any use permitted in R-2, R-3, R-4, or R-5 districts; provided, however, that for uses permitted in R-2, R-3, R-4, or R-5 districts, all district regulations for R-2, R-3, R-4, or R-5 residential developments, whichever is applicable, shall apply, including, without limitation, lot area, width, setback requirements, and parking regulations.
  3. Accessory buildings and uses.
  4. Common open and/or recreational space.
  5. Specific use as permitted by section 15 hereof.
- C. Height and area regulations.
1. Height. The maximum height of any building or structure shall be 35 feet.
  2. Area.
    - a. The minimum lot or site area per unit or stand shall be 3,600 feet.
    - b. The minimum lot width shall be 45 feet.
    - c. The minimum lot depth shall be 80 feet.
  3. Yard.
    - a. The minimum front yard shall be 15 feet from dedicated street right-of-way or ten feet from any private drive designed or used for access.
    - b. The minimum side yard shall be ten feet; provided, there shall be a minimum space of 40 feet between manufactured homes.
    - c. The minimum rear yard shall be ten feet.

- d. No manufactured home shall be permitted within 25 feet of a boundary of a manufactured home district.
- D. Garage regulations. See Section 9.8 hereof.
- E. Trash disposal regulations. See section 9.14 hereof.
- F. Portable storage unit regulations. See section 9.15 hereof.
- G. Parking regulations. See Section 12 hereof.
- H. Sign regulations. See Section 13 hereof.
- I. Fence regulations. See Section 14 hereof.

(Ord. No. O-98-10, §§ 29, 30, 3-2-1998; Ord. No. O-01-65, § 10, 12-17-2001; O-03-31; 09/15/03; Ord. No. O-08-39, § 7.13.D, 07-21-08).

Cross references: Manufactured home parks, Ch. 54.

**7.15. CF community facilities.**

- A. Purpose. This district is intended to identify certain existing public and semipublic park and recreational areas as well as public land and facilities used for educational and governmental purposes.
- B. Use regulations. In the CF community facilities district, no buildings or land shall be used and no building shall be hereafter erected, reconstructed, altered, or enlarged, unless otherwise provided in this ordinance, except for one or more of the following uses:
  - 1. Public parks, open space, or other public area purchased or dedicated for recreational purposes.
  - 2. Except as provided herein, facilities of the government of the United States, State of Texas or a political subdivision thereof.
  - 3. Semipublic lands and facilities primarily used for providing recreational facilities and/or open space for residents of a particular residential subdivision.
  - 4. Specific use as permitted by section 15 hereof.
- C. Height and area regulations.
  - 1. Height. Same as LC-3.
  - 2. Front yards. Same as LC-1.
  - 3. Rear yards. Same as LC-1.
  - 4. Side yards. Same as LC-1.

- D. Exterior lighting regulations. Exterior lighting shall be shielded to prohibit illumination at the boundary of an adjacent residential district in excess of 0.25 footcandle of average general light overflow or 0.50 footcandle at any point on such boundary.
- E. Trash disposal regulations. See section 9.14 hereof.
- F. Sign regulations. See Section 13 hereof.
- G. Fence regulations. See Section 14 hereof.
- H. Additional regulations.
  - 1. No use or accessory use in a CF community facility district shall be allowed which has a concentration of activity which has characteristics of a commercial or industrial activity, including, but not limited to, operation of machinery or heavy equipment, maintenance and/or repair of machinery or equipment, storage of materials, creation of excessive noise, traffic, lighting, or other traits which would be incompatible with adjoining residential properties, unless such use or accessory use complies with the following restrictions:
    - a. No use or accessory use in a CF community facility district shall be permitted which is noxious or offensive to a person of ordinary sensitivity residing in an adjacent residential district by reason of vehicular traffic, generation or emission of noise, vibration, smoke, dust, or other particulate matter, odorous matter, heat, glare, refuse, radiation, or other objectionable emission.
    - b. Exterior lighting used in conjunction with any use in a CF community facility district shall be limited to low level incandescent spotlights, floodlights, and similar illuminating devices and such shall be installed, hooded, regulated, and maintained by the owner or person in control thereof in such a manner that the direct beam of any such light will not glare upon any lot, tract, or parcel of land other than that upon which it is situated.
    - c. The facility or location at which exists a concentration of any activity described in paragraph 1 shall have no direct access onto a residential street. Access must be directly onto a collector street or major thoroughfare.
    - d. Any facility or location at which exists a concentration of any activity described in paragraph 1 shall be screened from public view and view from any adjacent residential district.
    - e. Any facility or location at which exists a concentration of any activity described in paragraph 1 shall be set back at least 100 feet from the nearest residential district.

- f. The outdoor storage of machinery, equipment, tools, supplies, or materials shall be screened from public view and view from any adjacent residential district, and shall be set back at least 500 feet from the nearest residential district.
  - g. Any concentrated outdoor operation, such as repair or maintenance of vehicles, machinery, or equipment, shall be screened from public view and view from any adjacent residential district, and shall be set back at least 500 feet from the nearest residential district.
  - h. All structures in which exist a concentration of activity described in paragraph 1 which are within 500 feet of a residential district shall be designed and constructed to be similar in style, materials, and scale to residences in such residential district.
- 2. The provisions of paragraph H shall not apply to uses or accessory uses of the government of the United States, State of Texas, on an agency or political subdivision thereof.

(Ord. No. O-89-40, § 3, 11-20-1989; O-05; Ord. No. O-08-39, § 7.15.E, 07-21-08).